(1) Single Bench 4

CF1002

IN THE HIGH COURT OF CHHATTISGARH, AT - BILASPUR

WRIT PETITION (S) NO. 5217 OF 2006

PETITIONER : YASHWANT SINGH THAKUR
AGED – 48 YEARS,
S/O LATE J. S. THAKUR,
POSTED AS - ASSISTANT GRADE - III,
AT – O/O REGISTRAR, CO- OPERATIVE SOCIEITIES, RAIUR (C. G.)
R/O SARAIPALI, DISTT. – MAHASAMUND.

S195/06 Virendra Singh 18/9/06

No.....
Presented by Shri.....
dated.....

VERSUS

RESPONDENTS : **1.** STATE OF CHHATTISGARH,
THROUGH – THE SECRETARY,
DEPARTMENT OF CO – OPERATIVE SOCIETIES, RAIPUR
D. K. S. BHAWAN, RAIPUR

Pa 19/9/1

2. THE REGISTRAR,
CO – OPERATIVE SOCIETIES, RAIPUR
CHHATTISGARH..

WRIT PETITION UNDER ARTICLE – 226 & 227 OF CONSTITUTION OF INDIA

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P.(S) No. 5217 of 2006

Petitioner : Yashwant Singh Thakur

Versus

Respondents : State of Chhattisgarh & another

Shri R. K. Kesharwani, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the respondents.

ORDER

(3rd October, 2006)

1. The petitioner was employed as Assistant Grade-III. He intends to make an application for appointment on the post of Cooperative Inspector/Cooperative Extension Officer pursuant to the advertisement but the petitioner is over age on account of the age limit prescribed under the circular dated 11.9.2006(Annexure P/1) wherein the maximum age limit, as on 1st January, 2006, is that the candidate should not be more than 45 years.

2. The petitioner has filed this petition seeking relaxation in the age limit and further a direction against the State/respondent to consider and pass appropriate order on the basis of the letter dated 11.9.2006 (Annexure P/4) of the Additional Registrar, Cooperative Societies to the Secretary, Government of Chhattisgarh, Cooperative Department, Mantralaya, Raipur, whereby age relaxation for a period of 5 years was proposed.

3. Learned counsel appearing for the petitioner submits that the last examination took place in the year 1999 and thereafter the respondents/State have not taken any steps to hold the

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departmental examination for about a period of six years. The petitioner has become over age on account of the fact that the departmental examination could not take place during six years. According to learned counsel for the petitioner if the relaxation in age limit is not granted that would deprive the petitioner from appearing in the departmental examination, which is unjust, arbitrary and unreasonable.

4. I have heard learned counsel for the petitioner and perused the petition and the records appended thereto. The contention of the petitioner is misconceived as the circular does not provide for any relaxation in the outer age limit on account of any ground, may be the examination could not take place for a period of six years. The letter dated 11.9.2006 (Annexure P/4) is a mere proposal and no importance can be attached to the said letter till it is approved and made applicable to the employees of the cooperative department.

5. Be that as it may, it is well settled principle of law that it is not for the Courts to direct the State Government/executives to take a policy decision or to frame a rule prescribing for relaxation in age limit in the event the examination could not take place earlier. It is for the State Government to decide and make appropriate amendments, if deemed necessary by the executives.

6. For the reasons stated above, this petition is dismissed.

Sd/-
Satish K. Agnihotri
Judge

Thakur